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#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3489 of this title; title 40 App. section 214; title 48 section 1666.

### §351. Declaration of policy

(a) It is the purpose of this chapter to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this chapter to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary co-operation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.

(b) Nothing in this chapter shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this chapter, the determination of the best uses of the funds provided under this chapter shall be reserved to the States and their local subdivisions and Indian tribes.

(June 19, 1956, ch. 407, §2, 70 Stat. 293; Feb. 11, 1964, Pub. L. 88269, §1(a)(1), 78 Stat. 11; July 19, 1966, Pub. L. 89511, §2, 80 Stat. 313; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1660; Oct. 7, 1977, Pub. L. 95123, §4(a), 91 Stat. 1095; Oct. 17, 1984, Pub. L. 98480, title I, §102, 98 Stat. 2236.)

## AMENDMENTS

1984—Subsec. (a). Pub. L. 98480, §102(a), inserted reference to assisting Indian tribes in planning and developing library services to meet their needs, designated existing provisions as cls. (1) to (5), in cl. (1) as so designated inserted reference to library renovation, in cl. (2) as so designated substituted provisions relating to the improvement of State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals for provisions relating to the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in cl. (4) as so designated inserted reference to resource sharing, and added cl. (6).

Subsec. (b). Pub. L. 98480, §102(b), inserted reference to Indian tribes.

1977—Subsec. (a). Pub. L. 95123 inserted “and in strengthening major urban resource libraries” after “all types of libraries”.

1970—Subsec. (a). Pub. L. 91600 added assistance to the States in the improvement of public library services, in public library construction, and in the improvement of State library services for the physically handicapped, institutionalized, and disadvantaged, and assistance to the States in strengthening State library administrative agencies, to the list of purposes of this chapter.

Subsec. (b). Pub. L. 91600 substituted “Nothing in this chapter shall be construed” for “The provisions of this chapter shall not be so construed as”.

1966—Subsec. (a). Pub. L. 89511 added promotion of interlibrary cooperation and assistance to States in providing certain specialized State library services, to the list of purposes of the chapter.

1964—Subsec. (a). Pub. L. 88269 struck out “rural” before “areas”.

## EFFECTIVE DATE OF 1970 AMENDMENT

Section 2(c)(1) of Pub. L. 91600 provided that: “The amendment made by subsection (b) [enacting sections 351a to 351e of this title, amending this section and sections 352, 353, 354, 355a, 355b, 355c, 355e, 355e1, and 355e2 of this title, repealing sections 355, 355d, 355e3, 355f to 355f7, 356, 357, 357a, and 358 of this title and enacting provisions set out as notes under this section] shall be effective after June 30, 1971.”

## SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101254, §1(a), Mar. 15, 1990, 104 Stat. 101, provided that: “This Act [enacting sections 351g, 355e4, 381, 385 to 385e, and 386 to 386g of this title, amending sections 351a to 351e, 352 to 354, 355a to 355c, 355e, 355e1, 355e3, 371, and 375 of this title, and enacting provisions set out as a note under section 351a of this title] may be cited as the ‘Library Services and Construction Act Amendments of 1990’.”

## SHORT TITLE OF 1984 AMENDMENT

Section 101(a) of title I of Pub. L. 98480 provided that: “This title [enacting sections 355e3, 361 to 365, 371 and 375 of this title, amending this section and sections 351a to 351f, 352, 353, 354, 355a, 355b, 355c, 355e, and 355e2 of this title, and enacting provisions set out as notes under this section and section 355b of this title] may be cited as the ‘Library Services and Construction Act Amendments of 1984’.”

## SHORT TITLE OF 1977 AMENDMENT

Section 1 of Pub. L. 95123 provided: “That this Act [enacting section 351f of this title and amending this section and sections 351a, 351b, 352 to 354, and 355b of this title] may be cited as the ‘Library Services and Construction Act Amendments of 1977’.”

## SHORT TITLE OF 1970 AMENDMENT

Section 1 of Pub. L. 91600 provided: “That this Act [enacting sections 351a to 351e of this title, amending

this section and sections 352, 353, 354, 355a, 355b, 355c 355e, 355e1, 355e2, 1204 and 1211 of this title, repealing sections 355, 355d, 355e3, 355f to 355f7, 356, 357, 357a, and 358 of this title, and enacting provisions set out as notes under this section and section 1204 of this title] may be cited as the ‘Library Services and Construction Amendments of 1970’.”

## SHORT TITLE OF 1966 AMENDMENT

Section 1 of Pub. L. 89511 provided: “That this Act [enacting sections 355e, 355e2, 355e3, 355f, 355f2, 355f3, 355f4, 355f6, and 355f7 of this title, enacting and amending sections 355e1, 355f1, and 355f5 of this title, amending this section and sections 352, 353, 355, 355a, 355b, 355d, 357, 357a, and 358 of this title, enacting provisions set out as notes under this section and sections 353 and 355 of this title, and redesignating sections 301 to 304 of act June 19, 1956, as sections 501 to 504, respectively] may be cited as the ‘Library Services and Construction Act Amendments of 1966’.”

## SHORT TITLE

Section 1 of act June 19, 1956, as amended by section 10(a) of Pub. L. 88269, provided that: “This Act [enacting this chapter] may be cited as the ‘Library Services and Construction Act’.”

## CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE OF 1984 AMENDMENT

Section 101(b) of Pub. L. 98480 provided that: “The Congress finds that—

“(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults, and (C) sharing resources and materials among a wide variety of libraries;

“(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

“(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

“(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

“(5) the scope and purpose of the Library Services and Construction Act [this chapter] should therefore be revised to include a more comprehensive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.”

## STATEMENT OF PURPOSES OF 1970 AMENDMENT

Section 2(a) of Pub. L. 91600 provided that: “It is the purpose of this Act [see Short Title of 1970 Amendment note above] to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act [this chapter] by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.”

USE OF FUNDS APPROPRIATED FOR THE FISCAL YEAR  
ENDING JUNE 30, 1971

Section 2(c)(2) of Pub. L. 91600 provided that: "In the case of funds appropriated to carry out programs under the Library Services and Construction Act [this chapter] for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b) [see Effective Date of 1970 Amendment note set out above]."

### §351a. Definitions

The following definitions shall apply to this chapter:

(1) "Secretary" means the Secretary of Education.

(2) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and for the purchase, lease, and installation of equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the "Architectural Barriers Act of 1968" [42 U.S.C. 4151 et seq.], remodeling designed to ensure safe working environments and to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries. For the purposes of this paragraph, the term "equipment" includes information and building technologies, video and telecommunications equipment, machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(3) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

(4) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(5) "Public library" means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds. Such term also includes a research library, which, for the purposes of this sentence, means a library which—

(A) makes its services available to the public free of charge;

(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

(C) engages in the dissemination of humanistic knowledge through services to readers,

fellowships, educational and cultural programs, publication of significant research, and other activities; and

(D) is not an integral part of an institution of higher education.

(6) "Public library services" means library services furnished by a public library free of charge.

(7) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, Palau<sup>1</sup> (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48).

(8) "State Advisory Council on Libraries" means an advisory council for the purposes of clause (3) of section 351d(a) of this title which shall—

(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

(C) assist the State library administrative agency in the evaluation of activities assisted under this chapter;

(9) "State institutional library services" means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hearing impaired, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

(10) "State library administrative agency" means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this chapter.

(11) "Basic State plan" means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this chapter; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this chapter; and submits copies for approval as required by regulations promulgated by the Secretary.

(12) "Long-range program" means the comprehensive program of not less than three nor more than five years which identifies a State's library needs and sets forth the activities to be taken

<sup>1</sup>So in original. Probably should be preceded by "or".